

Amendment No. 3 to HB0198

Fitzhugh
Signature of Sponsor

AMEND Senate Bill No. 126

House Bill No. 198*

By deleting all language following the enacting clause, and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-10-310(a), is amended by deleting subdivisions (2) and (3) and substituting instead the following language:

(2) During such period described in subdivision (1), a member of the general assembly or the governor who is a candidate for any public office other than the office such person currently occupies shall be permitted to conduct fundraising events and solicit or accept contributions for such campaign for such other public office only under the following conditions:

(A) The governor or member of the general assembly shall file a nominating petition in accordance with § 2-5-102(b)(5)(B) prior to conducting any such fundraising events;

(B) Such fundraising events shall not be held, nor contributions be solicited nor accepted, on state property;

(C) The candidate shall not be permitted to solicit or accept, directly or indirectly, any actual or in-kind contribution during such period from a lobbyist, employer of a lobbyist, or multicandidate political campaign committee;

(D) Solicitations and acceptance of contributions for such purposes may only be made from persons subject to the contribution limits in § 2-10-302(a);

(E) A member of the general assembly shall not be permitted to solicit or accept contributions during such period for a campaign for public office involving either house in the general assembly; and

(F) Notwithstanding § 2-10-114 or any other provision of law to the contrary, any candidate for public office who conducts fundraising events and solicits or accepts contributions pursuant to this subdivision (a)(2) shall, after the election, allocate any unexpended balance of contributions remaining in the campaign account for such election to one (1) or a combination of the following:

(i) The funds may be returned to any or all of the candidate's contributors, in accordance with a formula or plan specified in the candidate's disclosure of the allocation; and

(ii) The funds may be distributed to an organization that has received a determination of exemption from the United States internal revenue service pursuant to 26 U.S.C. § 501(c)(3), if such organization is currently operating under such exemption.

No such unexpended funds may be retained or transferred to any other campaign fund.

SECTION 2. Tennessee Code Annotated, Section 2-5-102(b)(5), is amended by designating the existing language as subdivision (5)(A) and by adding the following language to be designated as subdivision (B):

(B) Notwithstanding subdivision (A), a nominating petition shall be issued to the governor or a member of the general assembly upon the governor or the member's request seeking to file a nominating petition to run as a candidate for any public office other than the office such person currently occupies, pursuant to § 2-10-310(a)(2).

SECTION 3. Tennessee Code Annotated, Title 2, Chapter 10, is amended by adding the following as a new, appropriately designated section:

§ 2-10-____.

(a) The secretary of state, the comptroller of the treasury and the state treasurer shall not make campaign contributions to any candidate for general assembly or governor.

(b) The secretary of state, the comptroller of the treasury and the state treasurer shall not conduct a fundraiser for the benefit of any candidate for general assembly or governor.

(c) Nothing in this section shall prohibit nor be construed to prohibit the secretary of state, the comptroller of the treasury or the state treasurer from exercising their right to vote nor from expressing their views as private citizens.

SECTION 4. This act shall take effect July 1, 2009, the public welfare requiring

it.